



Town of Hilton Head Island  
Planning Commission  
LMO Rewrite Committee Meeting  
July 11, 2013  
8:30 a.m.

Benjamin M. Racusin Council Chambers

## **AGENDA**

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As a Courtesy to Others Please Turn Off All Cell Phones and Pagers during the Meeting.

- 1. Call to Order**
- 2. Freedom of Information Act Compliance**  
Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
- 3. Approval of the Agenda**
- 4. Approval of the Minutes – June 27, 2013 Meeting**
- 5. Unfinished**
- 6. New Business**
  - a. Adjacent Street and Adjacent Use Setbacks and Buffers
- 7. Adjournment**

Please note that a quorum of Town Council may result if four (4) or more of Town Council members attend this workshop.

TOWN OF HILTON HEAD ISLAND  
Planning Commission  
**LMO REWRITE COMMITTEE MEETING**

Draft

June 27, 2013 Minutes  
8:30a.m. – Benjamin M. Racusin Council Chambers

Committee Members Present: Chairman Tom Crews, Gail Quick, David Ames,  
David Bachelder, Chris Darnell, Jim Gant, Walter Nester,  
Kim Likins, *Ex-Officio* and Charles Cousins, *Ex-Officio*

Committee Members Absent: Irv Campbell

Planning Commissioners Present: None

Town Staff Present: Teri Lewis, LMO Official  
Jill Foster, Deputy Director of Community Development  
Kathleen Carlin, Administrative Assistant

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**1) CALL TO ORDER**

Chairman Crews called the meeting to order at 8:30a.m.

**2) FREEDOM OF INFORMATION ACT**

Public notification of this meeting has been published, posted and mailed in compliance with the Freedom of Information Act and Town of Hilton Head Island requirements.

**3) APPROVAL OF THE AGENDA**

The committee **approved** the agenda as presented by general consent.

**4) APPROVAL OF THE MINUTES**

The committee **approved** the June 19, 2013 meeting minutes as presented by general consent.

Chairman Crews welcomed the public and asked Ms. Teri Lewis to make the staff's presentation on New Business, PUD flexibility related to the management of common open space areas.

**5) NEW BUSINESS**

**PUD flexibility related to the management of common open space areas.**

Ms. Lewis distributed a handout on Chapter 2, Permit Requirements for Tree Removal and Mitigation within common open space areas.

At a previous meeting the committee received public comments from the general managers of Hilton Head Plantation's POA and Palmetto Dunes' POA. At that time the general managers requested additional flexibility in the management of trees in the common open spaces of their Planned Unit Developments (PUDs).

The staff would like to review some of the specific language that is recommended to address these concerns. When the committee is comfortable with the language, staff will forward it to the consultant. Ms. Lewis and the committee discussed the following. Please note that a list of exemptions is already contained in this section of Chapter 2. If approved, the following language would be added to the list.

The following activity is *exempt* from Chapter 2, Tree Removal Permit requirements.

Removal of a tree within the common open space of a PUD is approved as long as the following conditions are met:

- a) The common open space is owned and managed by the PUD
- b) The common open space is not part of a golf course
- c) The vehicular access to the common open space is restricted by a security gate manned 24 hours each day by a security guard.
- d) The common open space is not within 50-feet of a parcel not restricted by a security gate manned 124-hours each day by a security guard

Ms. Lewis stated that the staff met recently with Mr. Peter Kristian, General Manager, Hilton Head Plantation, POA, to review the proposed list to see if it met his needs.

The committee discussed the four conditions. The committee and staff discussed if the trimming of trees should be included in the conditions. Mr. Kristian stated that Hilton Head Plantation already allows the trimming of trees (every two years) in common areas, so that is not an issue.

The committee and the staff discussed the Town's position on trimming of specimen trees. Ms. Lewis stated that the trimming of specimen trees must be approved by the Town's Environmental Planner.

The committee and staff reviewed the types of specimen trees. Specimen trees are determined by the species of a tree as well as the size of the tree.) Chairman Crews presented statements regarding the requirement of a certified arborist to make the determination to remove a tree or not.

The committee again discussed the idea of adding trimming to the conditions so that a POA within a PUD can trim a tree in their common areas without receiving the Town's approval. The committee stated that if it's a live oak or specimen tree, it still should have to go through the Town's permit process. The committee also discussed the conditions contained in Chapter 6. A couple of committee members felt that specimen trees should be exempt and a couple of other committee members felt that the POAs should be allowed to make this decision. Chester C. Williams, Esq., presented public comments regarding the current code.

Mr. Nester stated that common property and open space is not necessarily the same thing. The committee should determine the definition of common open space. Typically, open space falls within common property, so perhaps we should call it common property. Ms. Lewis stated that the staff wants to make sure that ownership is by the PUD. Mr. Peter Kristian presented comments with regard to the issue of ownership.

The committee discussed the issue of ownership. Mr. Nester suggested that management by the PUD might be a better way to link it instead of by ownership. The committee discussed the issue

of management (management and controlled within the gates.) The committee asked if they should say 'property' instead of 'open space'. Mr. Nester stated that it should be common area as opposed to open space. Following this discussion, the committee agreed to say 'common area' instead of 'open space' (controlled and managed by the POA for the PUD.)

Mr. Kristian and the committee discussed the issue of ownership outside the gate of Hilton Head Plantation. Mr. Cousins and Mr. Kristian discussed the distinction between big POAs versus small POAs. The staff and the committee agreed that they want to deal with the large POAs. We need to be careful of how we do this. Ms. Lewis presented the definition of a PUD as listed in the LMO. The staff and the committee stated that the POA is responsible for managing the PUD. Oversight is needed.

Vice Chairman Quick stated her concern with the ability of some POAs to properly manage the trees in common areas. Some POAs do not have a high-quality board that cares about the principles of Hilton Head Island. The protection of natural resources is not always their concern and some POAs are not well managed. The committee discussed the possible need to certify a PUD to perform the management of trees in common areas. This type of requirement would mean some oversight by the Town.

The committee then discussed the operation and management of golf courses. Mr. Ames stated that rare specimen trees should be handled differently than other specimen trees (with regard to trimming.) The committee discussed the control and management of common property by the PUD. Mr. Ames suggested that the PUDs be provided with the Town's principles for the protection and management of trees in common areas.

Mr. Gant recommended that POAs make the determination with regard to management, trimming and removing trees in their common areas. Vice Chairman Quick disagreed with this idea. The committee completed their discussion on this issue with the decision to include the trimming and removal of specimen trees in the PUD exemption.

Ms. Lewis stated that the next committee meeting will be July 11<sup>th</sup> (the July 2<sup>nd</sup> meeting is canceled.) Before the meeting was adjourned, Vice Chairman Quick presented comments regarding the number of available handicap parking spaces on the island. Mr. Lewis and Vice Chairman Quick discussed the number as set out in the Building Code. The committee will discuss this in greater depth when they review Parking and Design Standards. Mr. Bachelder presented comments regarding density, intense zones, and uses.

Following final comments, the meeting was adjourned.

## **7) ADJOURNMENT**

The meeting was adjourned at 9:35a.m.

Submitted by:

Approved by:

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Kathleen Carlin  
Administrative Assistant

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Tom Crews  
Chairman



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## TOWN OF HILTON HEAD ISLAND

### *Community Development Department*

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**TO:** LMO Rewrite Committee  
**FROM:** Teri Lewis, *LMO Official*  
**DATE:** July 5, 2013  
**SUBJECT:** Review of Adjacent Use and Adjacent Street Setbacks and Buffers

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At the meeting on July 11<sup>th</sup> the committee will review the **Adjacent Use and Adjacent Street Setbacks and Buffers** portion of the draft LMO.

Copies of the relevant sections are included for your review prior to the meeting.

#### ***General Notes about Setbacks***

- The setback section remains largely the same as the existing LMO; staff believes this is in conflict with what the committee requested.
- Flexibility is provided in the following districts:
  - Coligny: use and street setbacks only apply to properties on the perimeter of the district
  - SMU [Stoney Mixed Use]: street setbacks (other than major and minor arterials) can be reduced with conditions
  - IL [Light Industrial]: street setbacks (other than major and minor arterials) can be reduced with conditions

#### ***General Notes about Buffers***

- The buffer section provides different buffer types for different buffer areas.
- It also provides the developer with two different types of buffer options to choose from.
- Flexibility is provided for the developer to submit an alternative buffer plan.
- Staff thinks the flexibility provided begins to go in the direction the committee wants but questions whether the provided format is too difficult to follow.

## **F. Failure to Install or Maintain Green Building Practices**

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The failure to install or maintain approved green building practices is a violation of this Ordinance, shall render the subject development nonconforming, and may result in revocation of the authorization for use and development.

## **Sec. 16-5-103. Adjacent Setback and Buffer Standards<sup>263</sup>**

### **A. Purpose and Intent<sup>264</sup>**

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1. The purpose of the adjacent street and use setback standards in this section is to provide separation between structures and adjacent street rights-of-way and property lines. Such separation is intended to maintain and protect the Town's Island character, facilitate adequate air circulation and light between structures and the street, and between structures in adjacent developments.
2. The purpose of the adjacent street and use buffer standards in this section is to spatially separate development from adjacent streets and adjacent development with aesthetically pleasing natural or landscaped buffers. Such buffers are intended to allow the location of certain dissimilar land uses adjacent to one another by mitigating potential negative effects between the uses.

### **B. Applicability**

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#### **1. General**

Except as provided in subsection 2 below, the requirements of this section shall apply to all development.

#### **2. Exceptions**

- a. For development within the I-MX-Coligny District, adjacent street and use setback standards and adjacent street and use buffer standards shall apply only along those lot lines and street rights-of-way constituting the boundaries of the district.<sup>265</sup>
- b. For development within a PD-1 or PD-2 District, adjacent street and use setback standards and adjacent street and use buffer standards shall apply only along those lot lines and street rights-of-way located outside the gates or constituting the boundaries of the district.<sup>266</sup>
- c. For development in subdivisions for single-family detached dwellings (including zero lot line subdivisions), adjacent street and use setback standards and

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<sup>263</sup> This section carries forward adjacent street and use setback standards and adjacent street and use buffer standards in Art. VII and VIII of Ch. 5 of the current LMO. It modifies current standards to incorporate variations currently located in other parts of the LMO, allow commonly allowed setback encroachments, add specific illustrated screening standards for buffers, and allow alternative buffer plans where strict compliance with the buffer standards is not practicable.

<sup>264</sup> This subsection consolidates and builds on Sec. 16-5-701 and Sec. 16-5-801 of the current LMO, adding language clarifying the primary purpose of buffers areas is to mitigate negative impacts between dissimilar land uses.

<sup>265</sup> This exemption is discussed on pp. 8 and 30 of the Response to LMO Rewrite Committee Comments on Code Assessment.

<sup>266</sup> This carries forward Sec. 16-5-904 of the current LMO.

adjacent street and use buffer standards shall apply only along those lot lines and street rights-of-way constituting the perimeter of the subdivision.<sup>267</sup>

### C. Landscape Plan Required<sup>268</sup>

Applications for development where a buffer is required shall include a landscape plan in accordance with the administrative manual.

### D. Adjacent Street Setback Requirements

1. Unless expressly exempted or modified in this subsection, all portions of a structure shall be located to the interior of the vertical and angled planes established by the applicable minimum setback distance from an adjacent street and maximum setback angle shown in Table 16-5-103.D, Adjacent Street Setback Requirements, based on the proposed use and the classification of the adjacent street. (See Figure 16-5-103.D, Street Setback Angle.)

TABLE <>: ADJACENT STREET SETBACK REQUIREMENTS <sup>269</sup>				
PROPOSED USE		MINIMUM SETBACK DISTANCE <sup>1,3</sup> / MAXIMUM SETBACK ANGLE <sup>2</sup>		
		ADJACENT STREET (BY CLASSIFICATION)		
		MAJOR ARTERIAL	MINOR ARTERIAL	ALL OTHER STREETS
Single-Family Dwelling	Structure ≤ 24 ft high	50 ft / n/a	30 ft / n/a	10 ft / n/a
	Structure > 24 ft high	50 ft / 75°	40 ft / 70°	20 ft <sup>3</sup> / 60°
All Other Uses		50 ft / 75°	40 ft / 70°	20 ft / 60°
NOTES: ft = feet ° = degrees 1. Measured from the adjacent street right-of-way or easement line to the closest portion of a structure. <sup>270</sup> 2. Measured within the upper inward quadrant of the intersection of a horizontal plane at a height of 20 feet above the base flood elevation and a vertical plane extending upward at the minimum setback distance (see Figure 16-5-103.D, Street Setback Angle). <sup>271</sup> 3. For corner lots, this minimum adjacent street setback distance may be reduced to 10 feet from the street right-of-way along the front lot line (see definition of front lot line in Sec. 16-10-106).				

<sup>267</sup> This subsection carries forward a current exemption in a note in the tables in Sec. 16-5-806A of the current LMO, and in the current Sec. 16-5-711.

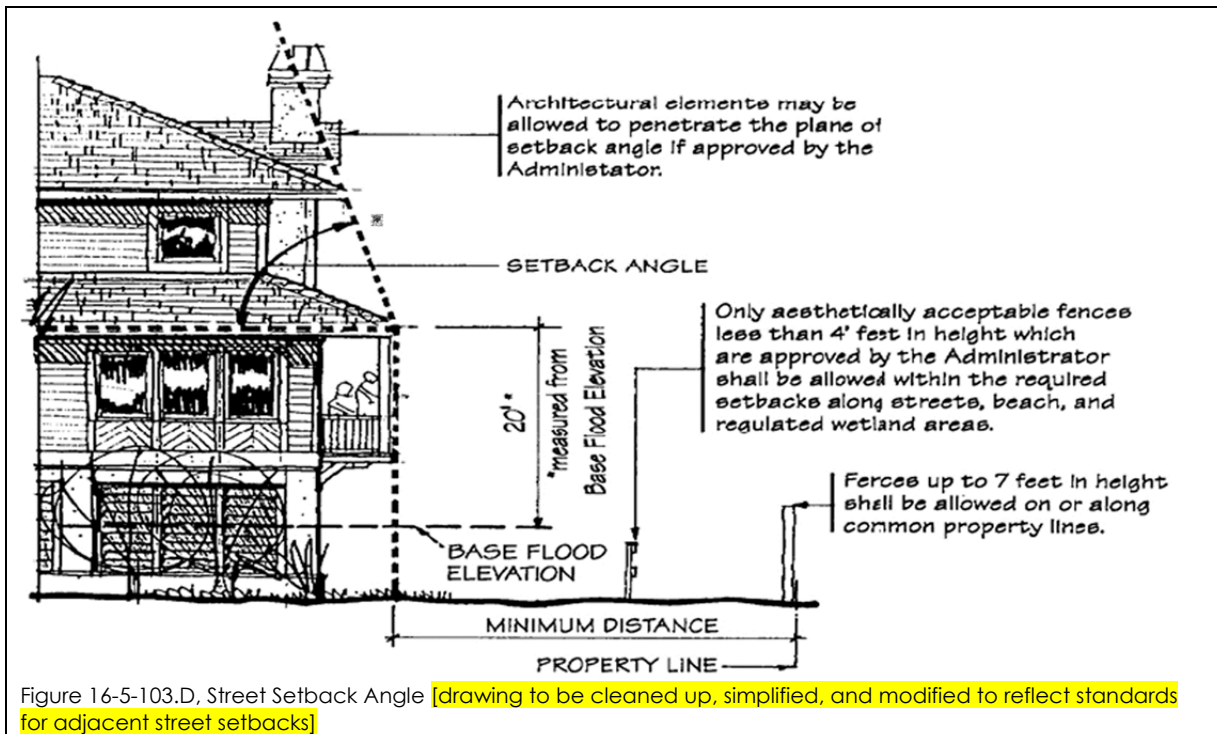
<sup>268</sup> This builds on Sec. 16-5-802 of the current LMO.

<sup>269</sup> This table carries forward the adjacent street setback table in Sec. 16-5-704 B of the current LMO, with modest changes, as noted in the footnotes. In addition, provisions defining how to measure the minimum street setback and maximum distance angle is added to the table.

<sup>270</sup> This is based on the measurement of setbacks in Sec. 16-5-703 of the current LMO, and refined for the measurement of street setbacks.

<sup>271</sup> This is based on the measurement of setback angles in Sec. 16-5-703 of the current LMO.





2. Except along major or minor arterials, the adjacent street setback distance may be reduced in the SMU District by up to 30 percent, and in the IL District by up to 20 percent, provided the applicant demonstrates there is no other reasonable option that will accommodate a permitted use on the site in compliance with all other requirements of the LMO and the required adjacent street buffer can be provided.<sup>272</sup>

## E. Adjacent Use Setback Requirements

1. Unless expressly exempted or modified in this subsection, all portions of a structure shall be located to the interior of the vertical and angled planes established by the applicable minimum setback distance from adjacent properties and maximum setback angle shown in Table 16-5-103.E, Adjacent Use Setback Requirements, based on the proposed use and the existing use of the adjacent property (or zoning of a vacant adjacent property). (See Figure 16-5-103.E, Use Setback Angle.)<sup>273</sup>

<sup>272</sup> This is a new provision discussed and suggested in the Response to LMO Rewrite Committee Comments (p. 31) to allow property owner more flexibility to develop small or oddly shaped parcels in the SMU and IL Districts as long as it does not adversely affect island character.

<sup>273</sup> This table carries forward the adjacent use setback table in Sec. 16-5-704 of the current LMO. The use classifications in the table are modified to conform to the revised use classifications and use types in revised Table 16-4-102.A.6, Principal Use Table. The adjacent use setback and angle standards for the various use classifications are carried forward. The provision requiring a setback next to vacant properties is simplified to refer to the zoning of the property rather than the use allowed on the adjacent property triggering the greatest setback requirement. This approach matches that proposed for adjacent use buffers.

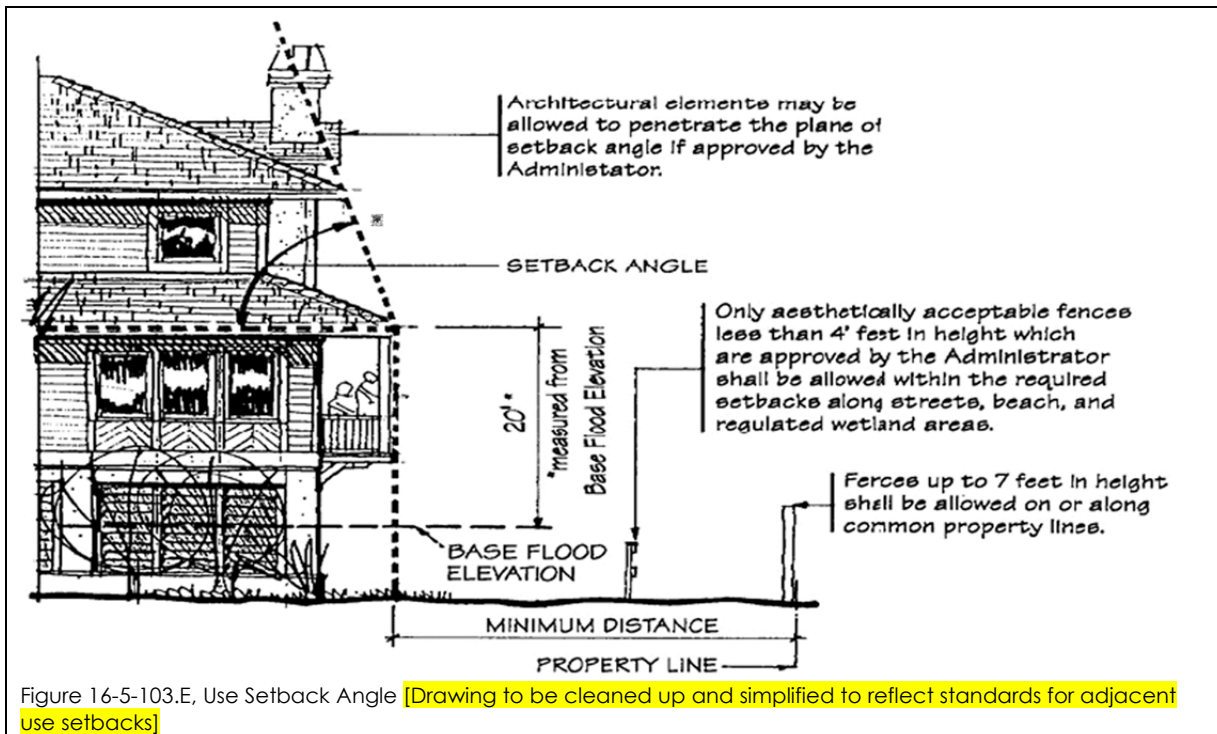


**TABLE 16-5-103.E: ADJACENT USE SETBACK REQUIREMENTS <sup>1</sup>**

PROPOSED USE <sup>3</sup>	MINIMUM SETBACK DISTANCE <sup>1</sup> / MAXIMUM SETBACK ANGLE <sup>2</sup>			
	USE OF ADJACENT DEVELOPMENT PROPERTY <sup>3</sup>			
	SINGLE-FAMILY DWELLING	ALL OTHER RESIDENTIAL USES; COMMERCIAL RECREATION	PUBLIC, CIVIC, INSTITUTIONAL, AND EDUCATION; RESORT ACCOMMODATION; OFFICES; COMMERCIAL SERVICES; VEHICLE SALES AND SERVICES; BOAT RAMPS, DOCKING FACILITIES, AND MARINAS	INDUSTRIAL USES
	ZONING OF ADJACENT VACANT PROPERTY			
	CON, PR, RSF-3, RSF-5, RSF-6, RM-4	RM-8, RM-12	I-MX-COLIGNY, COM-MX, WMU, SMU, RD	IL
Single-Family Dwellings	20 ft <sup>4</sup> / 75°	20 ft / 75°	30 ft / 60°	40 ft / 45°
<ul style="list-style-type: none"> <li>Any Other Residential Uses</li> <li>Commercial Recreation</li> </ul>	20 ft / 75°	20 ft / 75°	25 ft / 75°	30 ft / 60°
<ul style="list-style-type: none"> <li>Public, Civic, Institutional, and Education</li> <li>Resort Accommodation</li> <li>Offices</li> <li>Commercial Services</li> <li>Vehicle Sales and Services</li> <li>Boat Ramps, Docking Facilities, or Marinas</li> </ul>	30 ft / 60°	25 ft / 75°	20 ft / 75°	20 ft / 75°
Industrial Uses	40 ft / 45°	30 ft / 60°	20 ft / 75°	20 ft / 75°
<p>1. Measured from the common property line to the closest portion of a structure.<sup>274</sup></p> <p>2. Measured within the upper inward quadrant of the intersection of a horizontal plane at a height of 20 feet above the base flood elevation and a vertical plane extending upward at the minimum setback distance (see Figure 16-5-103.E, Street Setback Angle).<sup>275</sup></p> <p>3. See Sec. 16-10-104 for a description or definition of the listed use classification and types.</p> <p>4. Reduced to 5 feet where adjoining another single-family dwelling lot in the same subdivision; may be reduced to less than 5 feet if it, when combined with the platted setback distance for the adjoining lot, is at least 10 feet.</p>				

<sup>274</sup> This is based on the measurement of setbacks in Sec. 16-5-703 of the current LMO, and refined for the measurement of street setbacks.

<sup>275</sup> This is based on the measurement of setback angles in Sec. 16-5-703 of the current LMO.



2. Where the adjacent property includes uses from more than one listed use classification/use type (including mixed-use developments), the adjacent use setback required shall be that for the use classification/use type to which the greatest percentage of the development's floor area is devoted.<sup>276</sup>
3. The adjacent use setback distance applicable to lots along the perimeter of development subject to Minor Subdivision Review or Small Residential Development Review may be reduced by up to 50 percent, down to no less than five feet. The Official may allow further reduction as necessary to ensure that the total area within such perimeter setbacks does not exceed 20 percent of the total area of the site of the Minor Subdivision or Small Residential Development.
4. In the SMU District, the adjacent use setback distance may be reduced to ten feet where a public park adjoins another public park, or where a nonresidential use other than an industrial use adjoins another nonresidential use other than an industrial use.<sup>277</sup>

## F. Allowable Setback Encroachments

Table 16-5-103.F, Allowable Setback Encroachments, identifies features that are allowed to encroach beyond the vertical and angled planes defined by minimum adjacent street and use setback requirements.

<sup>276</sup> This is a new provision to address the adjacent use setback to use when the adjacent development consists of a mix of principal uses.

<sup>277</sup> This carries forward Sec. 16-5-402 A of the current LMO.

**TABLE 16-5-103.F: ALLOWABLE SETBACK ENCROACHMENTS<sup>278</sup>**

FEATURE	EXTENT AND LIMITATIONS
Fences or walls	<ul style="list-style-type: none"> <li>Allowed in adjacent use setbacks if located along common property lines and no more than 7 feet high</li> <li>Allowed in adjacent street setbacks if aesthetically acceptable to the Official</li> </ul>
Open balconies, fire escapes, or exterior stairways	May extend up to 5 feet into any setback
Chimneys or fireplaces	May extend up to 3 feet into any setback if no more than 5 feet higher than the highest point of building to which it is attached
Roof eaves and overhangs	May extend up to 3 feet into any setback
Awnings or marquees	May extend up to 5 feet into any setback
Bay windows	May extend up to 3 feet into any setback if no more than 9 feet wide
Sills or entablatures	May extend up to 1 foot into any setback
Uncovered porches, stoops, decks, patios, terraces, or walkways	May extend or be located in any setback if set back from lot lines by a distance no more than the feature's height
Lighting fixtures	May be located in any setback if no more than 20 feet high
Roof dormers	May extend up to 5 feet beyond the setback angle plane (horizontally or vertically)
Spires, cupolas, domes, skylights, and similar rooftop architectural features	May extend up above the setback angle plane if they occupy no more than 25% of the roof area of the structure to which they are attached and extend no more than 25% more than the height limit defined by the setback angle plane at the point(s) of penetration
Solar collection devices	See Sec. 16-4-103.E.8
Television or radio antennas	May extend up to 10 feet above the setback angle plane if they are attached to a side or rear elevation of a structure
Small wind energy conversion systems	See Sec. 16-4-103.E.7
Amateur radio antenna	See Sec. 16-4-103.E.1
Other architectural features not listed above (parts of a structure that provide visual interest to the structure and are generally nonhabitable and decorative in nature)	<p>May be allowed to penetrate the plane of the setback angle if the Official makes the following determinations:</p> <ul style="list-style-type: none"> <li>The required setback angle cannot be met for the architectural elements using alternate site layouts without major modifications to an otherwise acceptable application;</li> <li>The exempted architectural elements will not cause detriment to adjacent properties through alteration of natural elements;</li> <li>The excepted architectural elements will not be major or dominant features of the structure;</li> <li>The accepted architectural elements will not penetrate the vertical plane of the minimum required setback distance;</li> <li>The exception is the minimum reasonably required to achieve the architectural goal; and</li> <li>If applicable, the placement of the structure provides protection of prominent natural features on the site, such as trees, wetlands, or historic sites.</li> </ul>
Flagpoles/Flags	Flagpoles no more than 20 feet high and flags no greater than 20 square feet in area may be located in setbacks
Signs	See Sec. 16-5-113.E

## G. Adjacent Street Buffer Requirements

1. Unless expressly exempted or modified in this subsection, development shall provide a buffer along adjacent streets that is of the type designated in Table 16-5-103.G,

<sup>278</sup> These carry forward Sec. 16-5-703, 705, 706, and 707 of the current LMO.

Adjacent Street Buffer Requirements, for the proposed use and the classification of the adjacent street. Descriptions and width and screening requirements for the various buffer types are set out in Sec. 16-5-103.I, Buffer Types.

**TABLE 16-5-103.G: ADJACENT STREET BUFFER REQUIREMENTS<sup>279</sup>**

PROPOSED USE	ADJACENT STREET (BY CLASSIFICATION)		
	MAJOR ARTERIAL	MINOR ARTERIAL	ALL OTHER STREETS
All uses	E	B	A

2. An alternative adjacent street buffer location, width, or planting configuration may be requested and approved through submittal of an alternative buffer plan ( Sec. 16-5-103.O) as part of the development application.

## H. Adjacent Use Buffer Requirements

1. Unless expressly exempted or modified in this subsection, development shall provide a buffer along common property lines with adjoining properties that is of the type designated in Table 16-5-103.H, Adjacent Use Buffer Requirements, for the proposed use and the classification of the use of the adjacent property (or zoning of a vacant adjacent property). Descriptions and width and screening requirements for the various buffer types are set out in Sec. 16-5-103.I, Buffer Types.

**TABLE 16-5-103.H: ADJACENT USE BUFFER REQUIREMENTS<sup>280</sup>**

PROPOSED USE <sup>2</sup>	REQUIRED BUFFER TYPE <sup>1</sup>			
	USE OF ADJACENT DEVELOPED PROPERTY <sup>2</sup>			
	SINGLE-FAMILY DWELLING	ALL OTHER RESIDENTIAL USES; COMMERCIAL RECREATION	PUBLIC, CIVIC, INSTITUTIONAL, AND EDUCATION; RESORT ACCOMMODATION; OFFICES; COMMERCIAL SERVICES; VEHICLE SALES AND SERVICES; BOAT RAMPS, DOCKING FACILITIES, AND MARINAS	INDUSTRIAL USES
	ZONING OF ADJACENT VACANT PROPERTY			
	CON, PR, RSF-3, RSF-5, RSF-6, RM-4	RM-8, RM-12	I-MX-COLIGNY, COM-MX, WMU, SMU, RD	IL
Single-Family Dwellings	n/a	A	C	D
<ul style="list-style-type: none"> <li>• All Other Residential Uses</li> <li>• Commercial Recreation</li> </ul>	A	n/a	B	D

<sup>279</sup> This table builds on the adjacent street buffer table in Sec. 16-5-806 B of the current LMO, but as is discussed in the Response to LMO Committee Comments on Code Assessment, the buffer standards are revised to establish more precise buffer standards through the development of different buffer types for the different buffer areas. To provide more flexibility to the developer, the buffer types (Sec. 16-5-103.I, Buffer Types) include two buffer options. The developer can choose from one of the options under each type of buffer.

<sup>280</sup> This table builds on the adjacent use setback table in Sec. 16-5-805 of the current LMO. The use classifications in the table are modified to conform to the revised use classifications and use types in revised Table 16-4-102.A.6, Principal Use Table. As with the adjacent street buffers, the buffer standards are revised to establish more precise buffer standards through the development of different buffer types for the different buffer areas. To provide more flexibility to the developer, the buffer types (Sec. 16-5-103.I, Buffer Types) include two buffer options. The developer can choose from one of the options under each type of buffer.

**TABLE 16-5-103.H: ADJACENT USE BUFFER REQUIREMENTS<sup>280</sup>**

PROPOSED USE <sup>2</sup>	REQUIRED BUFFER TYPE <sup>1</sup>			
	USE OF ADJACENT DEVELOPED PROPERTY <sup>2</sup>			
	SINGLE-FAMILY DWELLING	ALL OTHER RESIDENTIAL USES; COMMERCIAL RECREATION	PUBLIC, CIVIC, INSTITUTIONAL, AND EDUCATION; RESORT ACCOMMODATION; OFFICES; COMMERCIAL SERVICES; VEHICLE SALES AND SERVICES; BOAT RAMPS, DOCKING FACILITIES, AND MARINAS	INDUSTRIAL USES
	ZONING OF ADJACENT VACANT PROPERTY			
	CON, PR, RSF-3, RSF-5, RSF-6, RM-4	RM-8, RM-12	I-MX-COLIGNY, COM-MX, WMU, SMU, RD	IL
<ul style="list-style-type: none"> <li>Public, Civic, Institutional, and Education</li> <li>Resort Accommodation</li> <li>Offices</li> <li>Commercial Services</li> <li>Vehicle Sales and Services</li> <li>Boat Ramps, Docking Facilities, or Marinas</li> </ul>	C	B	n/a	A
Industrial Uses	D	D	A	n/a
NOTES: n/a = not applicable 1. When a shared access easement is located along a common property line, any required buffer shall be provided to the interior of the access easement. 2. See Sec. 16-10-104 for a description or definition of the listed use classification and types.				

- An alternative adjacent use buffer location, width, or planting configuration may be requested and approved through submittal of an alternative buffer plan (Sec. 16-5-103.O) as part of the development application.

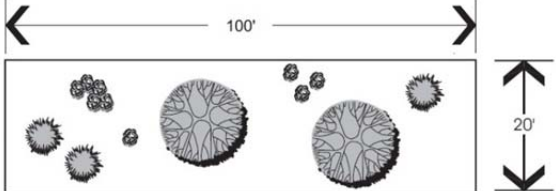

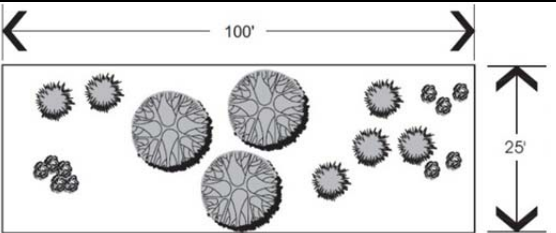
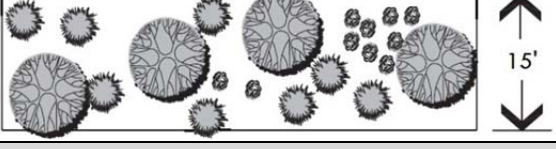
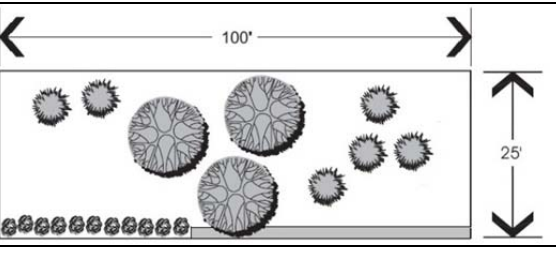
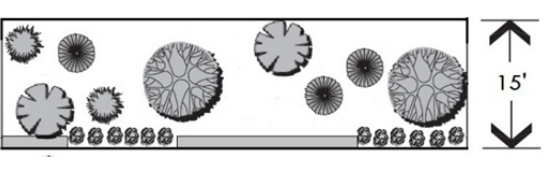
## I. Buffer Types<sup>281</sup>

- Table 16-5-103.I, Buffer Types, describes the six different buffer types in terms of their function, opacity, width, and planting requirements. Either of the options under a specific buffer type may be used at the option of the developer/applicant.

<sup>281</sup> This table sets out five buffer types with two width/screening options for each. Option 1 for each buffer type reflects the various minimum buffer widths currently required by the current LMO's adjacent street and use buffers (20, 25, 30, and 50 feet), plus the second current 25-foot-wide buffer that includes structural screening. For each buffer type, Option 2 represents a narrower buffer with denser screening that is intended to provide a degree of visual separation and noise attenuation comparable to Option 1. Providing the second option gives developers more flexibility to redevelop existing sites or develop small sites and still provide the buffering needed to protect views along street corridors and ensure compatibility between adjacent developments.

The current LMO requires buffers to contain "appropriate plant material to soften the impact" of development from an adjacent street or use, or may include structural elements where approved by the Administrator. As recommended in the Code Assessment (p. 2-37), this proposes specific screening standards for each buffer type option. The standards are based on widely used best practices for bufferyards, adapted to accommodate the current buffer requirements. Providing specific screening standards provides developers and Town staff better guidance concerning the degree of screening needed for the various buffer types.

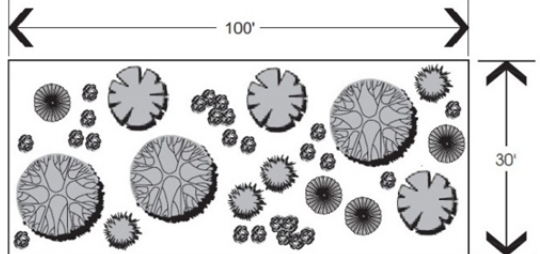
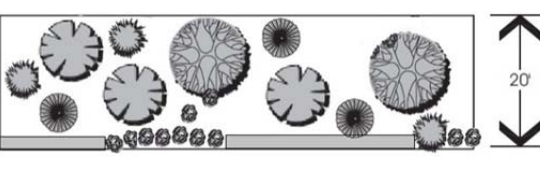
**TABLE 16-5-103.I: BUFFER TYPES**
**MINIMUM BUFFER WIDTH AND SCREENING REQUIREMENTS 1,2,3,4**

<b>TYPE A BUFFER</b>		
This buffer includes low-density screening designed to partially block visual contact and create spatial separation between adjacent uses or between development and adjacent streets with low traffic volumes.		
Option 1		<ul style="list-style-type: none"> <li>• Width: 20 feet</li> <li>• Overstory trees: 2 per 100 linear feet</li> <li>• Understory trees: 3 per 100 linear feet</li> <li>• Evergreen shrubs: 8 per 100 linear feet</li> </ul>
Option 2		<ul style="list-style-type: none"> <li>• Width: 10 feet</li> <li>• Overstory trees: 2 per 100 linear feet</li> <li>• Understory trees: 4 per 100 linear feet</li> <li>• Evergreen shrubs: 10 per 100 linear feet</li> </ul>
<b>TYPE B BUFFER</b>		
This buffer includes low- to medium-density screening designed to create the impression of spatial separation without significantly interfering with visual contact between adjacent uses or between development and adjacent minor arterials.		
Option 1		<ul style="list-style-type: none"> <li>• Width: 25 feet</li> <li>• Overstory trees: 3 per 100 linear feet</li> <li>• Understory trees: 6 per 100 linear feet</li> <li>• Evergreen shrubs: 10 per 100 linear feet</li> </ul>
Option 2		<ul style="list-style-type: none"> <li>• Width: 15 feet</li> <li>• Overstory trees: 4 per 100 linear feet</li> <li>• Understory trees: 8 per 100 linear feet</li> <li>• Evergreen shrubs: 12 per 100 linear feet</li> </ul>
<b>TYPE C BUFFER</b>		
This buffer includes medium-density screening designed to eliminate visual contact at lower levels and create spatial separation between adjacent uses.		
Option 1		<ul style="list-style-type: none"> <li>• Width: 25 feet</li> <li>• Overstory trees: 3 per 100 linear feet</li> <li>• Understory trees: 6 per linear feet</li> <li>• A solid wall or fence at least 3 feet high or a solid evergreen hedge at least 3 feet high and 3 feet wide</li> </ul>
Option 2		<ul style="list-style-type: none"> <li>• Width: 15 feet</li> <li>• Overstory trees: 4 per 100 linear feet</li> <li>• Understory trees: 5 per 100 linear feet</li> <li>• A solid wall or fence at least 3 feet high or a solid evergreen hedge at least 3 feet high and 3 feet wide</li> <li>• At least 50% of all trees must be evergreen</li> </ul>



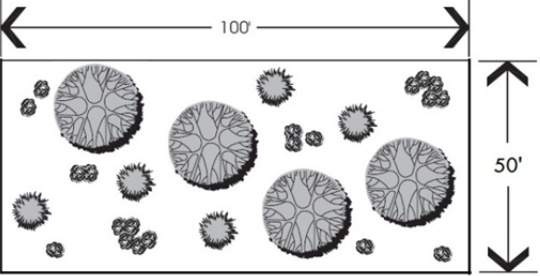
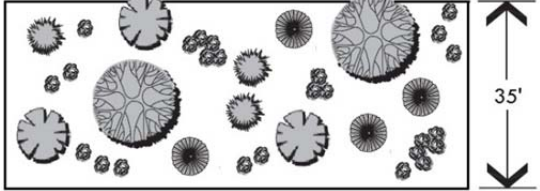
**TABLE 16-5-103.I: BUFFER TYPES****MINIMUM BUFFER WIDTH AND SCREENING REQUIREMENTS 1,2,3,4****TYPE D BUFFER**

This buffer includes high-density screening designed to eliminate visual contact up to a height of six feet and create a strong spatial separation between adjacent uses.

Option 1		<ul style="list-style-type: none"> <li>• Width: 30 feet</li> <li>• Overstory trees: 6 per 100 linear feet</li> <li>• Understory trees: 8 per 100 linear feet</li> <li>• Evergreen shrubs: 25 per linear feet and at least 6 feet high at maturity</li> <li>• At least 50% of all trees must be evergreen</li> </ul>
Option 2		<ul style="list-style-type: none"> <li>• Width 20 feet</li> <li>• Overstory trees: 5 per 100 linear feet</li> <li>• Understory trees: 6 per 100 linear ft</li> <li>• A solid wall or fence at least 6 feet high or a solid evergreen hedge at least 6 feet high and 3 feet wide</li> <li>• At least 50% of all trees must be evergreen</li> </ul>

**TYPE E BUFFER**

This buffer provides greater spacing and medium-density screening designed to define "green" corridors along arterials.

Option 1		<ul style="list-style-type: none"> <li>• Width: 50 feet</li> <li>• Overstory trees: 4 per 100 linear feet</li> <li>• Understory trees: 5 per 100 linear feet</li> <li>• Evergreen shrubs: 20 per linear feet and at least 3 feet high at maturity</li> </ul>
Option 2		<ul style="list-style-type: none"> <li>• Width: 35 feet</li> <li>• Overstory trees: 5 per 100 linear feet</li> <li>• Understory trees: 7 per 100 linear feet</li> <li>• Evergreen shrubs: 25 per linear feet and at least 3 feet high at maturity</li> <li>• At least 50% of all trees must be evergreen</li> </ul>

**NOTES:**

1. Required overstory trees shall be distributed and spaced to maximize their future health and effectiveness as buffers. Other required vegetation shall be distributed within the buffer as appropriate to the function of the buffer.
2. Where an adjacent use is designed for solar access, understory trees may be substituted for overstory trees.
3. Fences or walls within an adjacent street or use buffer shall comply with the standards of Sec. 16-5-112, Fence and Wall Standards.
4. A berm may be provided in conjunction with the provision of a hedge, fence, or wall to achieve height requirements, provided its side slopes do not exceed a ratio of three horizontal feet to one vertical foot and the width of its top is at least one-half its height.



## **J. Location of Buffers<sup>282</sup>**

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Buffer areas shall be located between the property boundary and all development on the site, but not necessarily within the minimum setback. In most cases, the required buffer will be contiguous to the property boundary.

## **K. Existing Vegetation**

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1. If a buffer area has existing trees that are protected under this Ordinance, they shall be preserved and be used as part of the buffer. Where groupings of native shrubs are present, their preservation with minimum disturbance is strongly encouraged.
2. Existing vegetation that is preserved shall not be limbed up from the ground more than five feet to the lowest branches, except:
  - a. Vegetation at intersections may be limbed up to a greater height to ensure compliance with Sec. 16-5-105.H.4, Sight Triangles; and
  - b. If understory planting is proposed, the Official may allow existing vegetation to be limbed up to a height that will provide adequate sunlight to plants.

## **L. Buffer Materials<sup>283</sup>**

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At the time of planting, overstory and understory trees included as part of required buffers shall comply with the size standards for replacement trees in Sec. 16-6-104.F.3, Reforestation; evergreen shrubs shall be at least two feet in height above ground level.

## **M. Development Within Required Buffers<sup>284</sup>**

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Development is prohibited within required buffers except in accordance this subsection.

1. The following activities may occur in required buffers, unless expressly stated to the contrary.
  - a. Street and/or driveway access, provided it runs approximately perpendicular to/from the adjacent street right-of-way or common property line.
  - b. Pathways designed to provide continuous connections between adjoining properties.
  - c. Lighting fixtures.
  - d. Water, sanitary sewer, electrical, telephone, natural gas, cable, storm drainage, or other service lines, subject to the following standards:
    - i. Such lines generally shall run approximately perpendicular to/from the adjacent street right-of-way or common property line. If they must be installed approximately parallel to the street right-of-way or property line, the easement for the lines may be included as part of a required buffer if the easement allows the vegetation and/or structures necessary to meet buffer screening requirements and provides the requisite visual separation

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<sup>282</sup> This carries forward Sec. 16-5-803 of the current LMO.

<sup>283</sup> This carries forward Sec. 16-5-804 and -810.B of the current LMO, and adds modest minimum planting standards.

<sup>284</sup> This carries forward and consolidates Sec. 16-5-808 and -809 of the current LMO, simplifying the wording of the criteria for easements for lines running through the length of an adjacent street buffer. Because such easements may also run along property lines between adjacent uses, the provision is reworded to apply such criteria to easements running through adjacent use buffers as well as adjacent street buffers.

in a manner that is aesthetically acceptable; otherwise, additional buffer width shall be required to provide the space needed for the required buffer screening.

- ii. Permission for easement and right-of-way disturbance and clearings for such services shall be more favorably considered when such activity is consolidated with vehicular access routes.
2. The following features and activity are allowed within adjacent street buffers only:
  - a. Signage, to the extent permitted by Sec. 16-5-113, Sign Standards.
  - b. Clearing for sight distances at permitted entrances and exits to any development as required to provide for reasonable traffic safety.
  - c. Fountains, plazas, sculptures, and similar features that are part of publicly owned facilities, where approved by the Official.

## **N. Inspection and Maintenance<sup>285</sup>**

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One year after a Certificate of Compliance is issued for a development requiring a buffer in accordance with this subsection, the buffer shall be inspected by the Official to determine its compliance and adequacy in regard to the screening required by this section. Where insufficient plant materials were originally installed, plant materials have died, or the buffer is otherwise deemed to be noncompliant, the Official shall notify the landowner, who shall correct the noncompliance within 30 days of receipt of the notice.

## **O. Alternative Buffer Plan<sup>286</sup>**

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1. A development application may be approved with an alternative buffer plan proposing one or more deviations from the buffer location, width, or screening standards in this section, provided the alternative buffer plan:
  - a. Demonstrates that the proposed deviation(s) are justified by site or development conditions that make strict compliance with the subject standard(s) impossible or impractical, and
  - b. Illustrates how compliance with the subject standard(s) is achieved to the maximum extent practicable.
2. Conditions justifying approval of an alternative buffer plan may include natural conditions such as watercourses or topography, lot size or configuration, the presence of existing utility lines or easements, the potential for interference with public safety, and other situations where strict adherence to the buffer standards is impossible or impractical.

## **P. Credit Toward Open Space<sup>287</sup>**

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Adjacent street and use buffers required by this section may be credited against the open space standards required by Sec. 16-5-104, Open Space Standards.

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<sup>285</sup> This carries forward Sec. 16-5-811 of the current LMO, with minor edits to clarify language.

<sup>286</sup> This new provision authorizes deviations from the specific buffer standards where the applicant can show a practical difficulty with strict compliance, and that an alternative buffer location, configuration, or plantings achieve compliance to the maximum extent practicable.

<sup>287</sup> This new provision makes it clear that adjacent street and adjacent use buffers may be credited towards the open space standards in Sec. 16-5-104, Open Space Standards.